



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/758,644	01/15/2004	Peter Wernet	07588/026003

21559
 CLARK & ELBING LLP
 101 FEDERAL STREET
 BOSTON, MA 02110



CONFIRMATION NO. 5815

FORMALITIES LETTER



OC000000014866935

Date Mailed: 01/03/2005

NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

Filing Date Granted

The U.S. Patent and Trademark Office has received your reply on 08/23/2004 to the Notice to File Missing Parts (Notice) mailed 01/03/2005 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application. Replies should be mailed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

- Late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 was not received.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- A substitute specification in compliance with 37 CFR 1.52, 1.121(b)(3), and 1.125, is required. The specification, claims, or abstract page(s) submitted is not acceptable and cannot be scanned or properly stored because:
 - Papers must be legibly written either by a typewriter or mechanical printer in permanent ink or its equivalent in portrait orientation on flexible, strong, smooth, non-shiny, durable, and white paper. Application papers must be presented in a form having sufficient clarity and contrast between the paper and the writing thereon to permit the direct reproduction of readily legible copies in any number by use of photographic, electrostatic, photo-offset, and microfilming processes and electronic reproduction by use of digital imaging and optical character recognition. Pages 4-5, 9-10, 13-14, 19-20, 22, 25-26 are not in compliance with 37 CFR 1.52(a).
- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:

03/08/2005 ZJUHR1 00000009 10758644

01 FC:2051

65.00 OP

- The drawings must be reasonably free from erasures and must be free from alterations, overwriting, interlineations, folds, and copy marks. See Figure(s) 3-4, 5B-6, 9C, 9D, 10-11A, 15-17, 18A.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$65** for a Small Entity

- **\$65** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

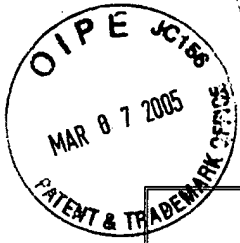
*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



PATENT
ATTORNEY DOCKET NO. 07588/026003

Certificate of Mailing: Date of Deposit: 3/3/05

I hereby certify under 37 C.F.R. § 1.8(a) that this correspondence is being deposited with the United States Postal Service as **first class mail** with sufficient postage on the date indicated above and is addressed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Kim LaSelva
Printed name of person mailing correspondence

Kim LaSelva
Signature of person mailing correspondence

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Peter Wernet	Art Unit:	Not yet assigned
Serial No.:	10/758,644	Examiner:	Not yet assigned
Filed:	January 15, 2004	Customer No.:	21559
Title:	HUMAN CORD BLOOD DERIVED UNRESTRICTED SOMATIC STEM CELLS (USSC)		

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY TO NOTICE OF INCOMPLETE REPLY

In reply to the Notice of Incomplete Reply that was mailed in connection with the above-captioned application on January 3, 2005, a copy of which is enclosed, Applicant, as a small entity, submits herewith the following:

- Payment of the surcharge of \$65.00 for late filing of the declaration;
- a substitute specification consisting of 26 pages; and
- 19 sheets of Formal Drawings.

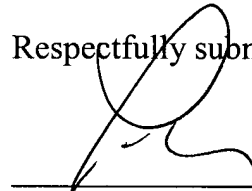
Please replace pages 1-26 of the specification as filed with pages 1-26 of the substitute specification submitted herewith. The substitute specification is provided to replace the application as filed, which was deemed by the Office as being in a form that was not acceptable for scanning. Applicant notes that a marked-up copy of the specification is not provided because no changes to the specification were made.

Applicant submits that the substitute specification is in compliance with 37 C.F.R. §§ 1.52, 1.121(b)(3), and 1.125. As required by 37 C.F.R. § 1.125(b)(1), I hereby state that this submission contains no new matter.

If there are any additional charges or any credits, please apply them to Deposit Account No. 03-2095.

Date: March 3, 2005

Respectfully submitted,



Paul T. Clark
Reg. No. 30,162

Clark & Elbing LLP
101 Federal Street
Boston, MA 02110
Telephone: 617-428-0200
Facsimile: 617-428-7045